

CITY COUNCIL PLANNING COMMISSION

**MONDAY
MARCH 7, 2011**

**JOINT WORKSESSION
6:00 P.M.**



**CITY HALL COWLES COUNCIL CHAMBERS
491 E. PIONEER AVE.
HOMER, ALASKA**

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HOMER CITY COUNCIL/WORKSESSION
491 E. PIONEER AVENUE
HOMER, ALASKA

MARCH 7, 2011
MONDAY, AT 6:00 P.M.
COWLES COUNCIL CHAMBERS

MEETING NOTICE
JOINT WORKSESSION WITH PLANNING COMMISSION
AGENDA

1. **CALL TO ORDER, 6:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **Signage Code Enforcement on the Spit**
 - A. Staff Report PL 11-31 from Planning Technician Page 1
 - B. Memorandum 11-030 from Police Chief Page 5
4. **COMMENTS OF THE AUDIENCE**
5. **ADJOURNMENT. NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 5:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

Planning & Zoning

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STAFF REPORT PL 11-31

TO: Homer Advisory Planning Commission
THROUGH: Homer Advisory Planning Commission (HAPC) and Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 7, 2011
SUBJECT: Spit signage and enforcement

The objective to this staff report is to help solidify points and questions for discussion with the City Council and the HAPC. This staff report starts with background information, includes Comprehensive Plan statements, code enforcement progress and ends with key questions to discuss.

Background information:

None of the boardwalks are in compliance with the current sign code which allows 150 sf of signage per lot. Gaining compliance would be no easy task and take a great deal of time and effort, perhaps so much that consideration would have to be given to extra staff time and possibly attorney fees.

Legal challenges may have multiple participants. The property owner is responsible for compliance; however ownership on the boardwalks often involve 1) a property owner, 2) a building owner and 3) a business owner. Compliance is based on the **entire** lot, which requires all the various owners to work together to reduce signage to 150 sf. In the most simplistic form, if one lot has 10 buildings, every building would need to reduce their signage to 15 sf. If one owner doesn't reduce their signage, the entire parcel is in violation.

Currently, Spit businesses on boardwalks view the sign code as unrealistic or unattainable. During the fall of 2010 the HAPC reviewed Homer's sign code and is considering changes to Spit signage on lots with multiple buildings. Signage would be allocated **per building versus per lot**. Oddly, in many instances this may increase the allowed signage on many lots with multiple structures, but in the end approximately 50% of the businesses will likely need to reduce their signage. If such sign code amendments are adopted the Planning and Zoning Office would take great lengths to educate Spit business owners of the changes. Even so, there is likely to be some resistance.

HAPC concerns:

To date, the Commission has not moved forward on a draft ordinance; so no public hearing has been held, nor have the property and business owners been contacted. If/when a draft ordinance is proposed staff and the commission will make every effort to contact owners.

The HAPC is sensitive to the economic impact of new sign regulations. Phasing in the sign ordinance respects the investment that business owners have in their signage. Phasing might include a timeframe to come into compliance (with regards to permanent signage) when not adding more signs.

The commission is sensitive to the uniqueness of the Spit and the effects of uncontrollable signs. The attached article from *Planning Commissioners Journal* addresses tourism: "The more one community comes to look like every other community, the less reason there is to visit. One the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit."

C:\Documents and Settings\Johnson\Local Settings\Temporary Internet Files\Content.Outlook\2WRYTPB1\SR 11-31
March 7 HAPCCC joint session.docx
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Files\Content.Outlook\2WRYTPB1\SR 11-31 March 7 HAPCCC joint session.docx

Sign code enforcement is governed by Title 21 which allows violators 30 days to correct violation(s) HCC 21.90.060(c). Within that 30 days, the violator may appeal the enforcement order to the Planning Commission, HCC 21.93.300(a). The appeal hearing must be scheduled within 60 days, HCC 21.93.100(a). The Planning Commission has 60 days to render a decision, HCC 21.93.100(a). So far, 150 days, the summer season is over, the appeal fee is \$250.00 and the appellant may appeal to the Board of Adjustment. This process gets quite drawn out over a subject that is rather definitive. Another possibility is to involve a citation issued by the police and going directly to court (after gentle reminders and opportunities, given by the Planning Office, to come into compliance).

Draft Spit Comprehensive Plan: Statements related to the sign code include:

“Sign size needs to be compatible and in scale with multiple buildings on one parcel.”
Pg 24, Commercial Development.

“Zoning should be adjusted to support Spit business owner’s sense of individuality and unique character.” Pg 23, Land Use & Community Development.

Enforcement progress:

The HAPC, the Port and Harbor Commission, the Lease Committee, and the planning staff have been working together to get Spit properties in compliance. For example, prior to lease renewals the leaseholders may need to get a Conditional Use Permits which verifies that FEMA, DEC and Fire Marshal certifications are current. The business owner may need to provide a survey, replace/remove older structures, and water/sewer connections. When the property owner is resistant the City incurs legal fees. The grid below illustrates the permit progress:

Permit	Business	On-site	Address
CUP 11-09	Petro Marine	Fuel tanks	4755 Homer Spit Road
CUP 10-05	The Fish Factory	Seafood processing	800 Fish Dock Road
CUP 10-03	Alaska Marine Hwy System	Warehouse	4667 Homer Spit Road
CUP 10-01	The Sports Shed	Retail-hotel	3815 Homer Spit Road
CUP 09-07	The Auction Block	Seafood processing	4501 Ice Dock Road
CUP 07-14	Kachemak Shellfish Growers	Retail-seafood processing	3851 Homer Spit Road
CUP 05-05	Yourkowski	Retail	4460 Homer Spit Road
Upcoming			
In 2011	Snug Harbor	Seafood processing	Ice Dock Road
In 2011	B. Faulkner	Wholesale seafood	4474 Homer Spit Road
In 2011	Central Charters	Retail, restaurants, booking	4241 Homer Spit Road

Draft Spit Comprehensive Plan statements that support enforcement:

“A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns.” Pg 25, 1.C Resort/Residential Development

“By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.” Pg 25, 1.C Resort/Residential Development

The spit has a higher rate of noncompliant signs and structures than other parts of town.

Questions:

As the City Manager's Report mentions (1/10/2011) "many are concerned that the City is not doing enough, or being assertive enough about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive."

1. Is the City ready to financially support proactive enforcement of the current sign code? (150 sf per parcel)
2. Is the City willing to support changes to the sign code?
3. Should the Spit have different sign regulations than the rest of town?
4. Should there be some sort of time delay, phasing in compliance?
5. Should the City's Police Department be involved in enforcement?



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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TELEPHONE (907) 235-3150
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MEMORANDUM 11-030

DATE: February 28, 2011
TO: Rick Abboud, City Planner
FROM: Mark Robl, Chief of Police
SUBJECT: Sign Violation Enforcement

Even with the addition of a new police officer this year, the police department will have very little time to engage in sign violation enforcement. We set records with our high numbers of arrests last year. We made more arrests in the last three months, typically slow winter months, than ever before. Our officers have been incurring overtime at unprecedented rates for this time of year and it is not slowing down.

I would expect most of the sign violations to occur in the summer. This is our busiest time and we often have to prioritize calls for service based on severity. There were many days last summer when we were unable to even do basic patrol work while our officers scrambled to keep up with case work demands from the district attorneys office and the court system. We were not able to respond to over one hundred calls for service. I am hoping to minimize overtime, fill in some of the blank schedule spots and reduce our response times and incidents of no response with our new officer. Taking on more work, no matter how trivial it may seem, is not practical.

Our dispatchers provide our secretarial and clerical support in addition to answering phone and radio calls. They have to prepare, log, file and transmit every citation that comes in from patrol. We are down one position in dispatch due to budget cuts and the existing staff will be hard pressed to keep up with summer work loads as it is. I am not interested in adding more work to their current responsibilities. We will also be down to one enforcement aide on the spit this summer, we had two last summer. This person will be very busy with parking enforcement and beach patrol duties.

It seems that there is more and more interest in increasing the enforcement of city ordinances. I suggest a code enforcement position be considered. It would be more cost effective to do code enforcement with a dedicated position and should cost considerably less than a police officer.

